

**U.S. District Court
DISTRICT OF KANSAS (Wichita)
CRIMINAL DOCKET FOR CASE #: 6:21-mj-06081-KGG-1**

Case title: USA v. Kingsbury

Date Filed: 05/21/2021

Other court case number: 4:21-cr-00101-SRB-1 Western
District of Missouri (Kansas City)

Assigned to: Magistrate Judge
Kenneth G. Gale

Defendant (1)

Kendra Kingsbury

represented by **S. Lynn Burke**

Office of Federal Public Defender – Wichita

850 Epic Center

301 North Main Street

Wichita, KS 67202

316-269-6265

Alternative Phone: 316-250-9113

Cell Phone: 316-250-9113

Email: lynn_burke@fd.org

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

*Designation: Public Defender or Community
Defender Appointment*

Bar Number: 26619

Bar Status: Active

Pending Counts

None

Disposition

Highest Offense Level (Opening)

None

Terminated Counts

None

Disposition

**Highest Offense Level
(Terminated)**

None

Complaints

Disposition

Removal of arrested defendant to
Western District of Missouri

Plaintiff**USA**

represented by **Katherine J. Andrusak**
 Office of United States Attorney – Wichita
 301 North Main Street, Suite 1200
 Wichita, KS 67202-4812
 316-269-6481
 Alternative Phone:
 Cell Phone:
 Email: katie.andrusak@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: Retained
Bar Number: 25961
Bar Status: Active

Email All Attorneys

Email All Attorneys and Additional Recipients

Date Filed	#	Page	Docket Text
05/21/2021			ARREST (Rule 5(c)(3) Out) of Kendra Kingsbury. (sz) (Entered: 05/21/2021)
05/21/2021	<u>1</u>		ENTRY OF APPEARANCE by attorney S. Lynn Burke appearing for Kendra Kingsbury. (Burke, S.) (Entered: 05/21/2021)
05/21/2021	<u>2</u>		MINUTE ENTRY for proceedings held before Magistrate Judge Kenneth G. Gale: INITIAL APPEARANCE IN RULE 5(c)(3) PROCEEDINGS as to Kendra Kingsbury held on 5/21/2021 by Zoom. Due Process Protections Act advisement given. The Government adopted the recommendations of Pretrial Services for release on conditions. Release is ordered with a \$10,000 unsecured bond. Defendant's next appearance as directed before Magistrate Judge W. Brian Gaddy in the Western District of Missouri (Kansas City). (Tape #1:39-1:49) (mam) (Entered: 05/21/2021)
05/21/2021	<u>3</u>		CJA 23 FINANCIAL AFFIDAVIT by Kendra Kingsbury. (mam) (Entered: 05/21/2021)
05/21/2021	<u>4</u>		CONSENT TO APPEAR BY VIDEO OR TELEPHONE CONFERENCE for initial appearance and detention hearing as to Kendra Kingsbury. (mam) (Entered: 05/21/2021)
05/21/2021	<u>5</u>		ORDER SETTING CONDITIONS OF RELEASE as to Kendra Kingsbury (1) – \$10,000 unsecured bond. Signed by Magistrate Judge Kenneth G. Gale on 5/21/2021. (mam) (Entered: 05/21/2021)
05/21/2021	<u>6</u>		BOND POSTED as to Kendra Kingsbury. (mam) (Entered: 05/21/2021)
05/24/2021			NOTICE TO COUNSEL as to Kendra Kingsbury – Pursuant to the Due Process Protections Act, the government is reminded of its obligations pursuant to Brady v. Maryland and its progeny to disclose material that is favorable to the defendant and material to defendants guilt or punishment. The failure to do so in a timely manner may include dismissal of the indictment or information, dismissal of individual charges, exclusion of government evidence or witnesses, or any other

remedy that is just under the circumstances. (cc) (Entered: 05/24/2021)

MIME-Version:1.0
From:KSD_CMECF@ksd.uscourts.gov
To:ksd_nef@localhost.localdomain
Bcc:
--Case Participants: Magistrate Judge Kenneth G. Gale (ksd_gale_chambers@ksd.uscourts.gov)
--Non Case Participants:
--No Notice Sent:

Message-Id:5320705@ksd.uscourts.gov
Subject:Activity in Case 6:21-mj-06081-KGG USA v. Kingsbury Arrest - Rule 5(c)(3) Out
Content-Type:text/html

U.S. District Court

DISTRICT OF KANSAS

Notice of Electronic Filing

The following transaction was entered on 5/21/2021 at 2:54 PM CDT and filed on 5/21/2021

Case Name: USA v. Kingsbury

Case Number: 6:21-mj-06081-KGG

Filer:

Document Number: No document attached

Docket Text:

ARREST (Rule 5(c)(3) Out) of Kendra Kingsbury. (sz)

6:21-mj-06081-KGG-1 Notice has been electronically mailed to:

6:21-mj-06081-KGG-1 Notice has been delivered by other means to:

COURTROOM MINUTE SHEET - CRIMINAL HEARINGS
U.S. DISTRICT COURT - WICHITA, KANSAS

Date: 5-21-21
U.S. District Court
District of Kansas

United States of America,

Plaintiff,

MAY 21 2021

Age: 48

Clerk U.S. District Court
By Debra Deputy Clerk

Case No 21-m-20081-01-KGG

v.
Kendra Kingsbury,

Defendant.

VIA
200m

JUDGE: Birzer Gale

DEPUTY CLERK: Anderson Carter

INTERPRETER: Vargas Badillo Martinez

Ping Rivera Vilaythong

Sworn

AUSA: Andrusak

DEFENSE COUNSEL: Burke

TAPE NO.: 1:39 - 1:49

PROCEEDINGS

Initial Appearance

Detention Hearing

Bond Rev. Hrg

Initial Rule 5(c)(3) 10 min

Preliminary Hearing

Pretrial Conference

Sentencing

Change of Plea

In-Court Hearing:

Read to Defendant

Not Guilty Plea Entered

Arraignment Reading waived

Complaint Indictment Information Pet. Revoke Supervision

No. Counts: 2

Forfeiture

Felony Misdemeanor

Charges/Viols. and penalties explained to Defendant

Constitutional rights explained

Defendant affirmation/sworn

Examined re: financial status

Counsel appointed

Due Process Protections Act advisement given

Defendant given Consular Notification

Advised of rights under Rule 20 5(c)(3) Transfer to: _____

Signed Wvr Ind Signed Consent to MJ Petition to Plea filed Plea Agmt filed PSI ordered

Release ordered

Bond fixed at: \$ 10,000 Unsec Continued on present bond/conditions

Temp. det. ordered

Detention ordered

Remanded to custody

Defendant waived the right to a detention hearing. The Court accepted the waiver and granted the Government motion for detention.

Defendant waived the right to a preliminary hearing. The Court accepted the waiver and found probable cause as alleged.

Government motion for detention is granted. denied. withdrawn. taken under advisement.

The Government adopted the recommendations of Pretrial Services for release on conditions.

Defendant waived the right to an identity hearing. The Court accepted the waiver and found Defendant to be the person named. Defendant waived the right to a detention hearing in the District of Kansas. The Court accepted the waiver and granted the Govt. motion for detention pending proceedings in the charging District.

Defendant's next appearance: as directed before Judge Gaddy in charging district.
 per the Scheduling Order of Judge _____
 on _____ at _____ a.m. p.m. before Judge _____
for detention hearing arraignment prelim hearing _____

NOTES: _____

FILED
U.S. District Court
District of Kansas

In the United States District Court
for the District of Kansas

MAY 21 2021

Clerk U.S. District Court
By *Carrie* Deputy Clerk

United States of America,
Plaintiff,

v.

Case No. 21-M-6081-01-KGG

Kendra Kingsbury

Defendant.

Consent to Appear by Video Teleconference or Telephone Conference

I, Kendra Kingsbury, understand that under Federal Rule of Criminal Procedure 43 and the United States Constitution I have a right to be present in open court for the below-listed proceedings in my criminal case. After consulting with counsel, I hereby consent to appear by video teleconference or by telephone conference for the below-listed, marked proceedings:

<input checked="" type="checkbox"/> initial appearance	<input type="checkbox"/> Rule 40 appearance
<input type="checkbox"/> arraignment	<input type="checkbox"/> misdemeanor plea & sentencing
<input checked="" type="checkbox"/> detention hearing	<input type="checkbox"/> felony plea
<input type="checkbox"/> preliminary hearing	<input type="checkbox"/> felony sentencing
<input type="checkbox"/> waiver of indictment	<input type="checkbox"/> probation/supervised release revocation proceedings (including pretrial release)

Pursuant to Administrative Order 2020-9, defense counsel of record has signed electronically on the defendant's behalf. Counsel states the following:

- (1) The defendant has had the opportunity to consult with counsel;
- (2) The defendant agrees to the waiver or consent; and
- (3) The defendant agrees that counsel may sign the waiver or consent on the defendant's behalf.

s/Kendra Kingsbury

Defendant

5-21-21

Date

s/Lynn Burke

Defense Counsel

Client is Spanish speaking; therefore, a Spanish interpreter was used.

Federal Public Defender 6.30.20

UNITED STATES DISTRICT COURT
for the
District of Kansas

United States of America)
v.)
KENDRA KINGSBURY) 21-M-6081-01
Defendant)

FILED
U.S. District Court
District of Kansas
MAY 21 2021
Clerk, U.S. District Court, Deputy Clerk
B
B
B

ORDER SETTING CONDITIONS OF RELEASE

IT IS ORDERED that the defendant's release is subject to these conditions:

- (1) The defendant must not violate federal, state, or local law while on release.
- (2) The defendant must cooperate in the collection of a DNA sample if it is authorized by 42 U.S.C. § 14135a.
- (3) The defendant must advise the court or the pretrial services office or supervising officer in writing before making any change of residence or telephone number.
- (4) The defendant must appear in court as required and, if convicted, must surrender as directed to serve a sentence that the court may impose.

The defendant must appear at: UNITED STATES DISTRICT COURTHOUSE, 400 East Ninth Street,
Place

Courtroom 6D, Kansas City, Missouri 64016, before Judge Gaddy

on June 1, 2021, at 10:00 AM

Date and Time

If blank, defendant will be notified of next appearance.

- (5) The defendant must sign an Appearance Bond, if ordered.

*(6) Surrender any passport and passport card in Missouri.
(7) obtain no new passport.*

ADVICE OF PENALTIES AND SANCTIONS

TO THE DEFENDANT:

YOU ARE ADVISED OF THE FOLLOWING PENALTIES AND SANCTIONS:

Violating any of the foregoing conditions of release may result in the immediate issuance of a warrant for your arrest, a revocation of your release, an order of detention, a forfeiture of any bond, and a prosecution for contempt of court and could result in imprisonment, a fine, or both.

While on release, if you commit a federal felony offense the punishment is an additional prison term of not more than ten years

and for a federal misdemeanor offense the punishment is an additional prison term of not more than one year. This sentence will be consecutive (*i.e.*, in addition to) to any other sentence you receive.

It is a crime punishable by up to ten years in prison, and a \$250,000 fine, or both, to: obstruct a criminal investigation; tamper with a witness, victim, or informant; retaliate or attempt to retaliate against a witness, victim, or informant; or intimidate or attempt to intimidate a witness, victim, juror, informant, or officer of the court. The penalties for tampering, retaliation, or intimidation are significantly more serious if they involve a killing or attempted killing.

If, after release, you knowingly fail to appear as the conditions of release require, or to surrender to serve a sentence, you may be prosecuted for failing to appear or surrender and additional punishment may be imposed. If you are convicted of:

- (1) an offense punishable by death, life imprisonment, or imprisonment for a term of fifteen years or more – you will be fined not more than \$250,000 or imprisoned for not more than 10 years, or both;
- (2) an offense punishable by imprisonment for a term of five years or more, but less than fifteen years – you will be fined not more than \$250,000 or imprisoned for not more than five years, or both;
- (3) any other felony – you will be fined not more than \$250,000 or imprisoned not more than two years, or both;
- (4) a misdemeanor – you will be fined not more than \$100,000 or imprisoned not more than one year, or both.

A term of imprisonment imposed for failure to appear or surrender will be consecutive to any other sentence you receive. In addition, a failure to appear or surrender may result in the forfeiture of any bond posted.

Acknowledgment of the Defendant

I acknowledge that I am the defendant in this case and that I am aware of the conditions of release. I promise to obey all conditions of release, to appear as directed, and surrender to serve any sentence imposed. I am aware of the penalties and sanctions set forth above.



Defendant's Signature

XXXXXXXXXXXXXXXXXXXXXXXXXXXXXX

City and State

Directions to the United States Marshal

() The defendant is ORDERED released after processing.

() The United States marshal is ORDERED to keep the defendant in custody until notified by the clerk or judge that the defendant has posted bond and/or complied with all other conditions for release. If still in custody, the defendant must be produced before the appropriate judge at the time and place specified.

Date: 5/21/21



Judicial Officer's Signature

KENNETH G. GALE, UNITED STATES MAGISTRATE JUDGE

Printed name and title

UNITED STATES DISTRICT COURT
 for the
 District of Kansas

United States of America)
 v.)
) Case No. 21-m-6081-01-kgg
 KENDRA KINGSBURY)
 _____)
 Defendant)

FILED
 U.S. District Court
 District of Kansas
 MAY 21 2021
 Clerk, U.S. District Court, Kansas
 Deputy Clerk

APPEARANCE BOND

Defendant's Agreement

I, KENDRA KINGSBURY (*defendant*), agree to follow every order of this court, or any court that considers this case, and I further agree that this bond may be forfeited if I fail:

- to appear for court proceedings;
- if convicted, to surrender to serve a sentence that the court may impose; or
- to comply with all conditions set forth in the Order Setting Conditions of Release.

Type of Bond

- () (1) This is a personal recognizance bond.
- () (2) This is an unsecured bond of \$ 10,000.00.
- () (3) This is a secured bond of \$ _____, secured by:
 - () (a) \$ _____, in cash deposited with the court.
 - () (b) the agreement of the defendant and each surety to forfeit the following cash or other property
(describe the cash or other property, including claims on it – such as a lien, mortgage, or loan – and attach proof of ownership and value):

If this bond is secured by real property, documents to protect the secured interest may be filed of record.

- () (c) a bail bond with a solvent surety *(attach a copy of the bail bond, or describe it and identify the surety):*

Forfeiture or Release of the Bond

Forfeiture of the Bond. This appearance bond may be forfeited if the defendant does not comply with the above agreement. The court may immediately order the amount of the bond surrendered to the United States, including the security for the bond, if the defendant does not comply with the agreement. At the request of the United States, the court may order a judgment of forfeiture against the defendant and each surety for the entire amount of the bond, including interest and costs.

Release of the Bond. The court may order this appearance bond ended at any time. This bond will be satisfied and the security will be released when either: (1) the defendant is found not guilty on all charges, or (2) the defendant reports to serve a sentence.

Declarations

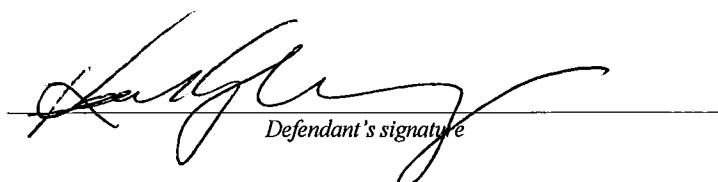
Ownership of the Property. I, the defendant – and each surety – declare under penalty of perjury that:

- (1) all owners of the property securing this appearance bond are included on the bond;
- (2) the property is not subject to claims, except as described above; and
- (3) I will not sell the property, allow further claims to be made against it, or do anything to reduce its value while this appearance bond is in effect.

Acceptance. I, the defendant – and each surety – have read this appearance bond and have either read all the conditions of release set by the court or had them explained to me. I agree to this Appearance Bond.

I, the defendant – and each surety – declare under penalty of perjury that this information is true. (See 28 U.S.C. § 1746.)

Date: 5/21/21



Defendant's signature

Surety/property owner – printed name

Surety/property owner – signature and date

Surety/property owner – printed name

Surety/property owner – signature and date

CLERK OF COURT

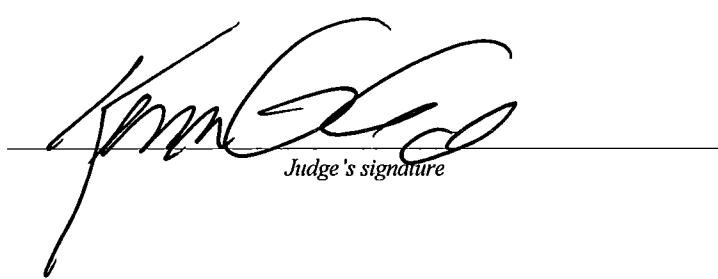


Cassie Carter
Signature of Clerk or Deputy Clerk

Date: 5-21-21

Approved.

Date: 5/21/21



Judge's signature

MIME-Version:1.0
From:KSD_CMECF@ksd.uscourts.gov
To:ksd_nef@localhost.localdomain
Bcc:
--Case Participants: Katherine J. Andrusak (caseview.ecf@usdoj.gov, katie.andrusak@usdoj.gov, kay.macneil@usdoj.gov), S. Lynn Burke (jackie_carter@fd.org, lorraine_schroeder@fd.org, lynn_burke@fd.org), Magistrate Judge Kenneth G. Gale (ksd_gale_chambers@ksd.uscourts.gov)
--Non Case Participants:
--No Notice Sent:

Message-Id:5321160@ksd.uscourts.gov
Subject:Activity in Case 6:21-mj-06081-KGG USA v. Kingsbury Notice - Due Process Protections Act
Content-Type: text/html

U.S. District Court

DISTRICT OF KANSAS

Notice of Electronic Filing

The following transaction was entered on 5/24/2021 at 8:58 AM CDT and filed on 5/24/2021

Case Name: USA v. Kingsbury
Case Number: 6:21-mj-06081-KGG

Filer:

Document Number: No document attached

Docket Text:

NOTICE TO COUNSEL as to Kendra Kingsbury – Pursuant to the Due Process Protections Act, the government is reminded of its obligations pursuant to Brady v. Maryland and its progeny to disclose material that is favorable to the defendant and material to defendants guilt or punishment. The failure to do so in a timely manner may include dismissal of the indictment or information, dismissal of individual charges, exclusion of government evidence or witnesses, or any other remedy that is just under the circumstances. (cc)

6:21-mj-06081-KGG-1 Notice has been electronically mailed to:

Katherine J. Andrusak katie.andrusak@usdoj.gov, caseview.ecf@usdoj.gov, kay.macneil@usdoj.gov

S. Lynn Burke lynn_burke@fd.org, jackie_carter@fd.org, lorraine_schroeder@fd.org

6:21-mj-06081-KGG-1 Notice has been delivered by other means to: